



0590/ITW

PATENT

ATTORNEY DOCKET NO. 47236-0011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Misa OCHIAI et al.

Application No.: 10/594,772

Filed: September 29, 2006

For: BREEDING METHOD OF LIPID PRODUCING)
FUNGI AND USE OF SUCH A METHOD)

Confirmation No.: 1234

Group Art Unit: 1632

Examiner: Unassigned

Commissioner for Patents
U.S. Patent and Trademark Office

Customer Window Mail Stop: ☐ New Application ☒ PCT ☐ AF ☐ Issue Fee
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT (IDS)

☒ **Under 37 C.F.R. § 1.97(b):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the undersigned's knowledge, this IDS is being filed before the mailing date of a first Office Action on the merits, before the mailing date of a first Office Action on the merits after filing an RCE under § 1.114, or within three months of the application filing date.

☐ **Under 37 C.F.R. § 1.97(c):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Office Action, a Notice of Allowance, or another action that closes prosecution in the application.

☐ The fee of \$180.00 set forth in § 1.17(p) is included herein; or

☐ Applicant submits that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ **Under 37 C.F.R. § 1.97(d):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(c) but before payment of the issue fee.

☐ The fee of \$180.00 set forth in § 1.17(p) is included herein; and

☐ Applicant submits that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ **Under 37 C.F.R. § 1.97(i):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(i), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(d). Applicant requests that the IDS be placed in the file.

☒ A search report or other listing of documents from a counterpart, related, or other application dated July 5, 2007 and having documents cited thereon is attached for the Examiner's consideration. Any of these documents not previously cited, and any additional documents are listed on the PTO Form 1449.

☒ Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. As for any document listed on the accompanying PTO-1449 that is in a language other than English, relevance can be understood from an enclosed English abstract or at least partial translation or from mention in the specification or in a search report for a corresponding application.

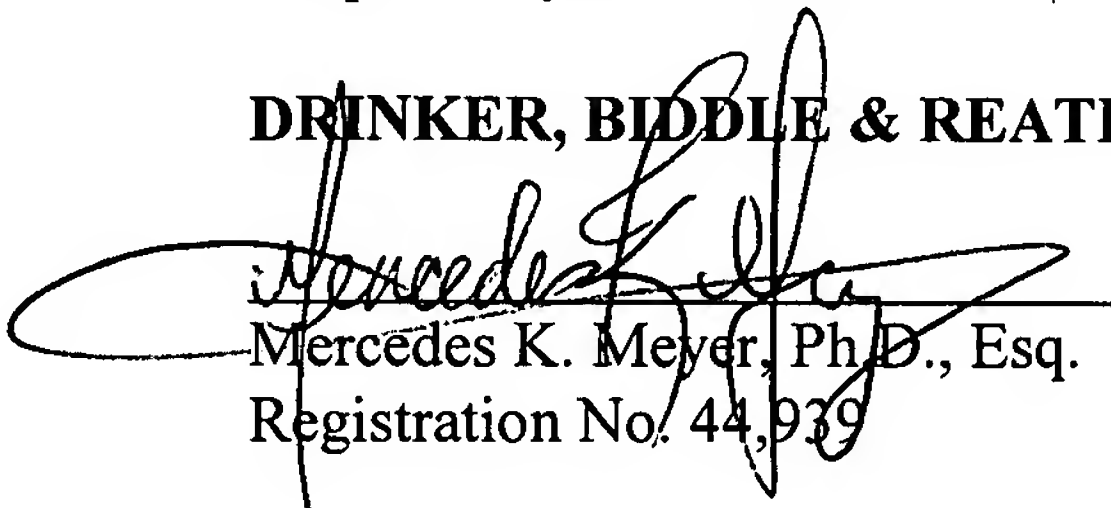
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP


Mercedes K. Meyer, Ph.D., Esq.
Registration No. 44,939

Dated: August 28, 2007

CUSTOMER NO. 055694

DRINKER, BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Tel: 202.842.8800; Fax: 202.842.8465



INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				Attorney Docket No.: 47236-0011		Serial No.: 10/594,772	
PTO Form 1449				Applicants Misa OCHIAI et al.		Page 1 of 2	
				Filing Date: September 26, 2006		Group Art Unit: 1632	
U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Sub Class	Translation YES NO
		EP-0 825 263 A2	02/25/1998	EP			
OTHER DOCUMENTS (Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)							
		CERTIK et al., "Desaturase-defective fungal mutants: useful tools for the regulation and overproduction of polyunsaturated fatty acids," Trends in Biotechnology, December 1998, Vol. 16, No. 12, pp 500-505, Barking Elsevier Science, Amsterdam, Holland					
		UEDA et al., "RNAi: A New Technology in the Post-Genomic Sequencing Era," J. Neurogenetics, 15(3-4), 2001, pp 193-204, Taylor & Francis					
		NICOLÁS et al., "Two classes of small antisense RNAs in fungal RNA silencing triggered by non-integrative transgenes," The EMBO Journal, Vol. 22, No. 15, pp 3983-3991, 2003, Oxford University Press, Oxford, England					
		TAKENO et al., "Improvement of the Fatty Acid Composition of an Oil-Producing Filamentous Fungus, <i>Mortierella alpina</i> 1S-4, through RNA Interference with $\Delta 12$ -Desaturase Gene Expression," Applied and Environmental Microbiology, September 2005, pp 5124-5128, American Society for Microbiology, Washington, DC					
		Supplementary European Search Report dated July 5, 2007, in EP 05727395					
Examiner					Date Considered		
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							